

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

IRVIN PENA TOVAR,

Petitioner,

No. 3:15-cv-00938-SU

v.

ORDER

MARION FEATHER,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Sullivan issued a Findings and Recommendation [44] on December 1, 2015, in which she recommends that this Court deny as moot Mr. Tovar's Petition for Writ of Habeas Corpus [2] under U.S.C. § 2241. The matter is now before me under 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because neither party timely filed an objection to the Magistrate Judge's Findings and Recommendation, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt,

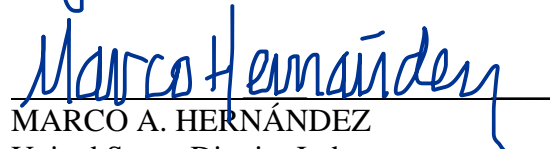
840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error. I note that Judge Sullivan recommends dismissing Mr. Tovar's petition because he is no longer in federal custody, and thus his petition for habeas relief is moot.

CONCLUSION

The Court ADOPTS Magistrate Judge Sullivan's Findings & Recommendation [12]. Accordingly, Mr. Tovar's Petition for Writ of Habeas Corpus [2] is denied. Additionally, the Court declines to issue a Certificate of Appealability because Mr. Tovar has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 28 day of January, 2016.


MARCO A. HERNÁNDEZ
United States District Judge